



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 19 मार्च, 2004/29 फाल्गुन, 1925

हिमाचल प्रदेश सरकार

AGREEMENT UNDER SECTION 41 OF THE LAND ACQUISITION ACT, 1894

ARTICLES OF AGREEMENT made this 18th day of March, 2004 (Two Thousand Four) between the Gujarat Ambuja Cements Limited, A Company registered under the Company's Act, 1956 and having its registered office at Vadnagar, Taluka Kodinar, District Amreli, Gujarat State through Shri J. C. Toshniwal, Joint-President appointed by the Company as its attorney (hereinafter called "the Company" which expression shall include its heirs, successors and assigns) of the one part and the Government of Himachal Pradesh through the Under Secretary (Industries) to the Government of Himachal Pradesh (hereinafter called the "Government", which expression shall include his successors in office and assigns) of the other part.

Whereas, upon the application of the Company for acquisition of land for the purpose of construction of alternative road, the Government of Himachal Pradesh have agreed to acquire on behalf of the Company under provisions of the Land Acquisition Act, 1894 (1 of 1894), the pieces or parcels of land described and delineated in the Schedule hereto annexed and situated in villages Damras, Chhamla and Pachhiour, Tehsil Arki, District Solan, Himachal Pradesh,

measuring 46.17 Bighas having been shown to the satisfaction of the said Government that the proposed acquisition is needed for the purpose of construction of alternative road, and whereas the said Government have called upon the Company under the provisions of section 41 of the said Act to enter into the agreement with the Government hereafter contained.

Now, these presents witness and it is hereby agreed and declared as follows:—

1. On demand, the Company shall and will pay to the said Government of Himachal Pradesh all and every compensation in respect of the said land tendered, paid or awarded to be tendered, paid or awarded by the Collector under the Land Acquisition Act, 1894, or by Court or Courts to which an appeal from the award of the said Court may be preferred and all costs, charges and expenses of the proceedings in the aforesaid Courts or otherwise incidental to the proposed acquisition or payable in respect thereof under the provisions of the said Act.
2. On demand, made by the said Collector the obligation of the Company under the last preceding clause not being thereby limited the Company shall and will deposit with the said Collector such sum or sums of money as in his discretion the said Collector may in anticipation estimate to be necessary for the purpose mentioned in the last preceding clause.
3. On payment by the Company of all demands under the foregoing first clause, or, in the discretion of the said Government of Himachal Pradesh (on deposit by the Company of all estimated amount as provided in the second clause) but not before possession shall have been taken under the provisions of the said land to the Company and shall execute and do all such acts and deeds as may be necessary and proper for effectually vesting the same in the Company.
4. In case, the Company has offered the land and construction etc. in it as security with the previous sanction of the Government for raising loans from Financial Institutions, Banks etc. within India and outside, the Government shall not have recourse to its rights or resumption of the lands under this clause, during the period such loan is outstanding.
5. The said land shall be held by the Company for the purpose for which it is acquired or purpose legitimately connected as is hereinbefore mentioned and without the sanction in writing of the said Government of Himachal Pradesh first had and obtained for no other purpose whatsoever.
6. Should the said lands not held by the Company for the purpose for which it is acquired legitimately connected as is hereinbefore mentioned within a period of three years from the date on which possession of the said land shall have been given to the Company within such further period as in its discretion may be prescribed or allowed by the State Government of Himachal Pradesh or should the lands at any time thereafter cease for a period of 36 consecutive months or ceased to be required for the purpose or purposes provided for in the foregoing 4th clause and in any such case the said Government may summarily re-enter upon and taken possession of the said land together with all buildings thereon whether such buildings were erected before or after transfer of the land to the Company and thereupon the interest of the Company in the said land and buildings shall cease and determine.

IN WITNESS whereof the seal of the Company has been affixed and the Government of the State of Himachal Pradesh hereinto set his hand and seal, the day, month and year hereinabove mentioned.

WITNESSES :

Sd/-
1. (DINESH SHARMA),
Manager, G. A. C. L.,
Aggarwal Bhawan Sanjauli-6

Sd/-
2. (K. S. BISHT),
Asth. officer Gujarat Ambuja,
Cement Ltd.
Aggarwal Bhawan, Sanjauli,
Shimla-6.

Sd/-
1. (R. S. CHAUHAN),
S. O. Industries A, H. P.
Secretariat.

Sd/-
2. (KIRTI PRAKASH),
Sr. Assistant Industry-A,
H. P. Secretariat, Shimla-2.

For and on behalf of
Gujarat Ambuja Cements Limited.

Sd/-
(J. C. TOSHNIWAL),
Joint President.

For and on behalf of the
Government of Himachal Pradesh.

Sd/-
Through : the Under Secretary (Industries)
to the Government of Himachal Pradesh.

SCHEDULE

District : SOLAN

Tehsil : ARKI

Village	Khasra No.	AREA	
		Bigha	Biswa
1	2	3	4
Damras	120/1	00	07
	174/1	01	03
	174/2	00	02
	177/1	01	15
	521/178/1	00	14
	520/178	00	02
	183/1	01	09
	522/185/1	00	04
	523/185/1	00	01
	523/185/2	00	17
	536/524/185/1	00	05
	525/186/1	01	08
	537/526/186/1	00	02
	537/526/186/2	00	12
	538/526/186/1	00	09
	187/1	01	02
	527/188/1	00	10
	528/188/1	00	08

1	2	3	4
	190	01	06
	191	00	03
	192/1	01	18
	426/1	00	13
	427/1	00	02
	428/1	00	02
	566/443/1	00	02
	444/1	01	03
	464/1	01	02
	465/1	01	08
	467/1	00	11
	473/1	00	03
	474/2	02	11
Kita ..	(31)	Total	22
			14
Chhamla	218/99/1	03	02
	283/140/1	01	13
	284/140/1	00	11
	288/140/1	00	13
	290/140/1	01	02
	141/1	04	03
	141/2	00	01
	150/1	00	12
	151/2	00	05

1	2	3	4	1	2	3	4
	152	01	00		172	02	14
	152/1 A	00	14		226/177	00	17
	152/2 A	00	08				
	153/1	01	02	Kita ..	(21)	Total	23 18
	154/1	00	06				
	157/1	01	10	Pachhiour	1	Total	00 05
	158	00	04				
	159/1	00	01	Kita ..	(1)		00 05
	161/1	02	10				
	161/2	00	10	Total Kita ..	(53)	Grand Total	46 17

WITNESSES :

Sd/-

1. (DINESH SHARMA),
Manager, G. A. C. L.,
Aggarwal Bhawan Sanjauli-6

For and on behalf of
Gujarat Ambuja Cements Limited.

Sd/-

2. (K. S. BISHT),
Distt. Officer,
Gujarat Ambuja Cements Limited
Aggarwal Bhawan, Sanjauli,
Shimla-6.

Sd/-

(J. C. TOSHNIWAL),
Joint President.

For and on behalf of the
Government of Himachal Pradesh.

Sd/-

1. (R. S. CHAUHAN),
S. O. Industries A, H. P.
Secretariat.

Sd/-

Through : the Under Secretary (Industries)
to the Government of Himachal Pradesh.

Sd/-

2. KIRTI PRAKASH,
Sr. Asstt. Industry-A
H.P. Sectt. Shimla-2.